

Health Regulations to
Control Toxic & Hazardous Materials
In the Town of Walpole

Section 1. Findings

The Town of Walpole Board of Health finds that:

1. The ground water underlying this town is the sole source of its existing and future water supply, including drinking water;
2. The ground-water aquifer is integrally connected with, and flows into lakes and streams which constitute significant recreational and economic resources of the town used for bathing and other water-related recreation.
3. Accidental spills and discharges of petroleum products and other toxic and hazardous materials have repeatedly threatened the quality of such ground-water supplies and related water resources in other Massachusetts towns, posing potential public health and safety hazards and threatening economic losses to the affected communities; and
4. Unless preventive measures are adopted to prohibit discharge of toxic and hazardous materials and to control their storage within the town, further spills and discharges of such materials will predictably occur and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population and vehicular traffic in the Town of Walpole.

Section 2. Authority

The Walpole Board of Health adopts the following regulations under its authorization under Chapter 111, Section 31.

Section 3. Definitions

- A. The term "discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of toxic or hazardous material upon or into any land or water of the Town of Walpole.

Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, drywell, catch basin or unapproved landfill.

The term "discharge" as used and applied in this regulation does not including the following:

1. Proper disposal of any material in a sanitary or industrial landfill that has received and maintained all necessary legal approvals for that purpose;
 2. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board;
 3. Application of road salts in conformance with the Snow and Ice Control Program of the Massachusetts Department of Public Works; and
 4. Disposal and "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by Title 5 of the Massachusetts Environmental Code.
- B. The term "toxic or hazardous material" means any substance or mixture of such physical, chemical or infectious characteristics as to pose (in the judgment of the Board of Health) a significant actual or potential hazard to water supplies or other hazard to human health, if such substance or mixture were discharged in this town. Any substance deemed a hazardous waste in Massachusetts General Laws Chapter 21C shall be deemed a hazardous material. Toxic or hazardous materials include, without limitation, organic chemicals,

petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies and includes products such as pesticides, herbicides, solvents and thinners. The following activities, without limitation, are presumed to involve the use of toxic or hazardous materials, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health:

- *Airplane, boat and motor vehicle service and repair
- *Chemical and bacteriological laboratory operation
- *Cabinet making
- *Dry cleaning
- *Electronic circuit assembly
- *Metal plating, finishing and polishing
- *Motor and machinery service and assembly
- *Painting, wood preserving and furniture stripping
- *Pesticide and herbicide application
- *Photographic processing
- *Printing

Section 4. Prohibitions

- A. The discharge of toxic or hazardous materials within the Town of Walpole is prohibited.
- B. Outdoor storage of toxic or hazardous materials is prohibited, except in product-tight containers which are protected from the elements, leakage, accidental damage and vandalism, and which are stored in accordance with all applicable requirements of Section 5 of this regulation. For purposes of this subsection, road salts and fertilizer shall be considered as hazardous materials.

Section 5. Storage Controls, Registration and Inventory

- A. Except as exempted below, every owner, and every operator other than an owner of a site at which toxic or hazardous materials are stored in quantities totaling at any times more than 50 gallons liquid volume or 25 pounds dry weight, shall register with the Board of Health the types and quantities of materials stored, location and

method of storage. The Board of Health may require that an inventory of such materials be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this subsection shall be submitted within 60 days of the effective date of this regulation and annually thereafter. Maintenance and reconciliation of inventories shall begin within the same 60-day period.

Exemptions: registration and inventory requirements shall not apply to the following:

- 1) Fuel oil stored in conformance with Massachusetts Fire Prevention Regulations and regulations of the Walpole Board of Health for the purpose of heating buildings located on the site; or
 - 2) The storage of toxic and hazardous materials at a single-family or two-family dwelling, except where such materials are stored for use associated with a professional or home occupation uses as defined by Section ____ of the Zoning By-Laws of the Town of Walpole.
- B. Toxic or hazardous wastes shall be held on the premises in product-tight containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, Chapter 21C, MGLA.
- C. The Board of Health may require that containers of toxic or hazardous materials be stored on an impervious, chemical resistant surface compatible with the material being stored, and that provisions be made to contain the product in the case of accidental spillage.

Section 6. Report of Spills and Leaks

Every person having knowledge of a spill, leak or other loss of toxic or hazardous materials shall immediately report the spill or loss of same to the Board of Health or other public safety official.

Section 7. Enforcement

- A. The provisions of the regulation shall be enforced by the Board of Health. The agent of the Board of Health may, according to law, enter upon any premises at any reasonable time to inspect for compliance.
- B. Upon request of an agent of the Board of Health, the owner or operator of any premises at which toxic or hazardous materials are used or stored shall furnish all information required to enforce and monitor compliance with this regulation, including a complete list of all chemicals, pesticides, fuels and other toxic or hazardous materials used or stored on the premises, a description of measures taken to protect storage containers from vandalism, corrosion and spillage, and the means of disposal of all toxic or hazardous wastes produced on the site. A sample of wastewater disposed to on-site septic systems, drywells or sewage treatment systems may be required by the agent of the Board of Health.
- C. All records pertaining to storage, removal and disposal of toxic or hazardous materials shall be retained by the owner or operator for no less than three years, and shall be made available for review upon the request of the agent of the Board of Health.
- D. Certification of conformance with the requirements of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits for any non-residential uses.

Section 8. Violation

Written notice of any violation of this regulation shall be given to the owner and operator by the agent of the Board of Health, specifying the nature of the violation; any corrective measures that must be undertaken, including containment and cleanup of discharged materials; any preventive measures required for avoiding future violations; and for a schedule of compliance. Requirements specified in such a notice shall be reasonable in relation to the public health hazards involved and the difficulty of compliance. The cost of containment and cleanup shall be borne by the owner of the premises.

Section 9. Penalty

Penalty for failure to comply with any provisions of this regulation shall be subject to a fine after notice thereof under Section 8 above of \$50/day per violation and/or court action.

Regulation amended October 26, 1993.